

HOUSE No. 2184

By Mr. Naughton of Clinton, petition of Harold P. Naughton, Jr., and others relative to regulating the operation of electric personal assistive mobility devices. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Harold P. Naughton, Jr. Garrett J. Bradley
Karyn E. Polito

In the Year Two Thousand and Five.

AN ACT RELATIVE TO MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 90 of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby amended by
3 adding the following new definition:—

4 “Electric Personal Assistive Mobility Device” or “EPAMD”
5 means a self-balancing, two non-tandem wheeled device, designed
6 to transport only one person, with an electric propulsion system
7 whose maximum speed on a paved level surface is 12.5 miles per
8 hour or less.”

9 The definition of “Motor Vehicles” in Section 1 of said Chapter
10 90, as so appearing, is further amended by inserting in line 162
11 after the word “bicycles” the following words: “or Electric Per-
12 sonal Assistive Mobility Device” or “EPAMD”.

1 SECTION 2. Said Chapter 90 is hereby further amended by
2 inserting after Section 1D the following section:—

3 Section 1E. “Nothing in this chapter or in the Massachusetts
4 General Laws shall be construed to limit the operation of an
5 EPAMD on all public ways in the Commonwealth including side-
6 walks, bikeways, bike lanes, bike routes, bike paths, and roadways

7 where the posted speed limit does not exceed 35 mph in the com-
8 monwealth except in the following manner:

9 (a) An EPAMD shall not be operated on limited access and
10 express state highways.

11 (b) An EPAMD operated on a sidewalk within a business dis-
12 trict shall not exceed the speed of 5 mph; an operator of an
13 EPAMD wishing to travel at a speed higher in such an area must
14 travel in a designated bike lane path, way or route as defined in
15 MGL Ch. 90E § 1; or if one is not available, in a roadway where
16 the posted speed limit does not exceed 35 mph in a manner not to
17 endanger themselves or obstruct vehicle traffic.

18 (c) An EPAMD operated in a roadway of the Commonwealth
19 shall be subject to the traffic laws and regulations of the Com-
20 monwealth except that: (1) an EPAMD operator must keep to the
21 right when passing a motor vehicle which is moving in the travel
22 lane of the way, (2) the EPAMD operator shall signal by either
23 hand his intention to stop or turn.

24 (d) An EPAMD operator shall ride single file on any way
25 except when passing and must give an audible signal.

26 (e) No person shall operate an EPAMD on a sidewalk at a
27 speed which is greater than is reasonable or prudent having due
28 regard for weather, visibility, and pedestrians or which endangers
29 the safety of persons or property.

30 (f) A person operating an EPAMD on a sidewalk shall yield the
31 right-of-way to all foot pedestrians including persons with disabil-
32 ities using assistive devices or service animals.

33 (g) No person under the age of 16 shall operate an EPAMD.

34 (h) No person shall operate an EPAMD with a footprint greater
35 than 20 inches deep and 25 inches wide on a sidewalk nor shall
36 any person operate an EPAMD in the Commonwealth that has
37 been altered beyond the manufacturers specification.

38 (i) An EPAMD may be operated at night provided the device
39 or its operator is equipped with or wearing a lamp pointing to the
40 front that emits a white light visible from a distance of not less
41 than three hundred (300) feet and front, rear and side reflectors.

42 (j) A person may not operate an EPAMD while carrying any
43 package, bundle, or other article that prevents the person from
44 keeping both hands on the handlebars and interferes with their

45 ability to safely operate the EPAMD; only one person shall
46 operate an EPAMD at a time.

47 (k) A person may not park his EPAMD upon a way or sidewalk
48 in such a manner as not to obstruct vehicular or pedestrian traffic.

49 (l) The operator of an EPAMD shall report any accident
50 involving either personal injury or property damage in excess of
51 one hundred dollars, or both, to the police department in the city
52 or town in which the accident occurred.

53 Failure to obey subsections (a) thru (l) shall be punished by a
54 fine of not more than \$25 for the first violation, not less than \$25
55 nor more than \$50 for a second violation and not less than \$50 nor
56 more than \$100 and impoundment for up to 30 days for a third or
57 subsequent violation. Any and all fees for the storage, processing
58 and release of the impounded EPAMD shall be assessed against
59 the operator of the EPAMD. Such fees must be paid in full by the
60 operator of the EPAMD prior to release of the impounded
61 EPAMD.

62 No person shall distribute or sell an electric personal assistive
63 mobility device unless the device is accompanied by a written
64 statement that is substantially equivalent to the following:
65 "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY,
66 USE ONLY WHILE WEARING FULL PROTECTIVE EQUIP-
67 MENT INCLUDING HELMETS."

68 No person who distributes or sells electric personal assistive
69 mobility devices who complies with the requirements of division
70 of this section shall be liable in damages in a civil action brought
71 by or on behalf of the operator of an electric personal assistive
72 mobility device for any injury, death, or loss to person or property
73 suffered by the operator that allegedly arises from, or is related to,
74 the operation of an electric personal assistive mobility device by
75 the operator and the operator failed to wear a helmet.

76 Nothing under current state, county or local law shall regulate
77 an EPAMD as a vehicle, motor vehicle, motor scooter, motorized
78 bicycle or bicycle, as defined under MGL Ch. 90. However, any
79 state or county agency and municipality having jurisdiction over
80 public streets, sidewalks, alleys, bridges, state-wide trail systems,
81 recreational roads and other ways of public passage may by traffic
82 control devices or ordinance further regulate the time, place, and

83 manner of the operation of an EPAMD including prohibiting their
84 use entirely.

85 An EPAMD shall not require a license plate or be registered by
86 the registry of motor vehicles. However the provisions for bicy-
87 cles under MGL Ch. 85 § 11A may apply to an EPAMD so long as
88 affixing such decal or plate does not directly interfere with the
89 operation of an EPAMD and associated fee does not exceed \$5.00.

90 No proof of financial responsibility is required for the operation
91 of an EPAMD.

1 SECTION 3. This article shall become effective immediately
2 upon passage.